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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HANLEY, SUSAN MARIE

ART UNIT

PAPER NUMBER

1651

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-2, 4, 5, and 21, drawn to electroprocessed fibrin and optionally additional substances, classified in class 530, subclass 382.
- II. Claims 3, 6-8, and 22 drawn to an engineered tissue of fibrin matrix and cells and optionally additional substances, classified in class 435, subclasses 398 and 399.
- III. Claims 9-10, drawn to a method of delivering a substance, classified in class 424, subclass 484.
- IV. Claim 11-14, drawn to a method of treating a wound or providing hemostasis with fibrin matrix, classified in class 424, subclass 443.
- V. Claims 15-16, drawn to an assay for cell response, classified in class 435, subclass 4.
- VI. Claims 17-18, drawn to a method of making an electroprocessed fibrin matrix, classified in class 530, subclass 427.
- VII. Claims 19-20, drawn to a process of making an engineered tissue, classified in class 623, subclass 11.11.

Inventions I and VI are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case Group I is drawn to an electroprocessed fibrin matrix and optionally with added active substances, Group VI is a method of making the matrix. The fibers could be oriented and arranged by hydrodynamic processes to produce a similar matrix of fiber. The electroprocessing could be used with other fibrous proteins such as elastins or collagens.

Inventions I and II and IV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product

Art Unit: 1651

as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case Groups III and IV are alternative uses of the matrix and substances of Group I: delivering substance to a location, and treating a wound by covering. An additional use might be as a surgical covering.

Groups I and II are drawn to patentably distinct products: a fibrin matrix optionally with added active substances, and an engineered tissue using a fibrin mat as solid support for cells.

Inventions II and V are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the assay could be practiced with cells cultured with any other matrix, such as collagen matrix, or on a surface as confluent cells.

Inventions II and VII are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the fibers in the support matrix could be oriented and arranged by hydrodynamic processes to produce a similar support matrix of fiber. The electroprocessing step could be used with other fibrous proteins such as elastins or collagens.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for one Group is not required for another Group especially in the non-patent literature, restriction for examination purposes as indicated is proper.

This is a restriction election only.

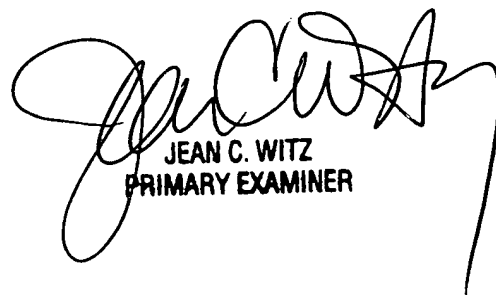
Art Unit: 1651

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Hanley whose telephone number is 571-272-2508. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Hanley
Patent Examiner
1651



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PRIMARY EXAMINER